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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,629	08/03/2001	Jay Levenson	011151	7517

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BUCHANAN INGERSOLL, P.C.
ONE OXFORD CENTRE, 301 GRANT STREET
20TH FLOOR
PITTSBURGH, PA 15219

EXAMINER

BAYAT, BRADLEY B

ART UNIT PAPER NUMBER

3621

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,629

Applicant(s)

LEVENSON ET AL.

Examiner

Bradley Bayat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

Applicant has amended claims 1, 12, 15, 16, 25 and deleted claim 10 in the amendment filed on December 27, 2004. Thus, claims 1-9 and 11-28 remain pending.

Response to Arguments

Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 11-28 are rejected under 35 U.S.C. 102(e) as being anticipated by

Flitcroft et al. (hereinafter Flitcroft), US Patent 6,636,833 B1.

As per the following claims, Flitcroft discloses:

1. A system for the payment of petty cash disbursements comprising: a master purchasing card linked to a bank account; and one or more subordinate purchasing cards linked to said master purchasing card or to other subordinate purchasing cards linked, directly or indirectly, to said

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master purchasing card; wherein any of said purchasing cards may authorize the movement of funds from itself to any subordinate purchasing card having a link to said authorizing purchasing card (column 6, line 30-column 7, line 36; column 9, line 28-column 16, line 5).

2. The system of claim 1 wherein each of said purchasing cards has an expenditure limit (column 8, lines 3-10, column 16, lines 5-63).

3. The system of claim 1 wherein any of said purchasing cards may create and break links to or from subordinate purchasing cards (column 7, lines 23-30).

4. The system of claim 2 wherein requests for the modification of the said expenditure limit for any subordinate card and the authorization of said modification can be accomplished in real time (column 16, lines 5-63).

5. The system of claim 4 wherein said requests and said authorizations are facilitated by a web site available over the Internet (see figure 1).

7. The system of claim 2 further comprising a software application running on a computer system (columns 9-10).

8. The system of claim 7 wherein said software application may establish communications with outside entities (columns 9-10).

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9. The system of claim 8 wherein said communications with outside entities are: encrypted prior to sending and decrypted after receiving to ensure data integrity and security; and entered into a log file for audit and customer support purposes (columns 18-19).

11. The system of claim 9 wherein said software application establishes communication with a bank, said bank maintaining said bank account (column 13, lines 38-65).

12. The system of claim 11 wherein said software application initiates a transaction at said bank to move funds between said bank account and said purchasing cards to cover expenditures made using said purchasing cards (columns 22-24).

13. The system of claim 9 wherein said software application establishes communications with a credit card processor (column 6, figure 3).

14. The system of claim 13 wherein said software application can instruct said credit card processor to modify said expenditure limit for any of said purchasing cards (column 16).

15. The system of claim 13 wherein said credit card processor exchanges data with said software application, said exchange data advising said software application of purchases made using any of said purchasing cards (figure 6 and associated text).

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27. The method of claim 26 further comprising the step of maintaining a web site wherein secured instructions are received regarding: changes in expenditure limits for said purchasing cards; and said linking of any of said purchasing cards to any other of said purchasing cards (column 16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flitcroft, in view of Madan et al., U.S. Patent 6,581,035 B1.

Flitcroft discloses a system/method/computerized system for payment by establishing a master purchasing card; linking a purchasing card an account; linking a plurality of other payment cards to said account and thus authorizing a transaction with various types of limits from a subordinate card to said account (columns 6-8). Flitcroft does not explicitly disclose the use of voice recognition software and technology to accomplish such transactions. Madan et al., however, teaches a system and method for voice-enabled transactions wherein user instructions, commands and ultimately transactions can be accomplished utilizing the user's voice (see abstract; figure 2 and associated text). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Flitcroft's system and method for performing financial transactions to utilize Madan's voice-recognition mechanism to provide another method of

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identity verification and authentication so as to provide an additional means to prevent fraud, as per teachings of Madan et al.

Claims 16-26 are directed to a system and method as disclosed above and are similarly rejected.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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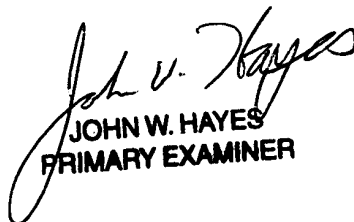
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Bayat whose telephone number is 703-305-8548. The examiner can normally be reached on Tuesday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bbb


JOHN W. HAYES
PRIMARY EXAMINER